

The 24th November, 1971

No. DOL/HR/71/16336.—The Governor of Haryana is pleased to select the following persons as Judges for supervision of the Daily Draw to be held on 25th November, 1971 :—

- (i) Shri Pritam Singh,  
Assistant Chief Electoral Officer,  
Haryana, Chandigarh.
- (ii) Shri J. S. Uppal,  
Professional and Executive  
Employment Officer, Haryana,  
Chandigarh.

J. R. DHINGRA,

Director of Lotteries-cum-Deputy Secy.

#### SOCIAL WELFARE DEPARTMENT

The 23rd November, 1971

No. 4002-SW-71/20403.—Governor of Haryana in consultation with the Chairman, Haryana State Social Welfare Advisory Board, is pleased to extend the terms of the Functional Committees constituted—vide notification No. 1117-FCW-DSW, dated the 5th July, 1969, up to 30th June, 1971 and is further pleased to constitute the following Functional Committees for the administration and supervision of Family and Child Welfare Project :—

##### 1. Family and Child Welfare Project, Nilokheri

1. Mrs. Surenderjit Kaur, 72-A, Poultary Area, Nilokheri	..	Chairman
2. Mrs. Surekha Ranjit Singh, care of S. D. O., Electricity, Nilokheri	..	Vice-Chairman
3. Mrs. Amarjit Kaur, wife of Shri Man Singh, village Poojam	..	Member
4. Mrs. Avtar Kaur, wife of S. Gurender Singh, Shamgarh	..	"
5. Mrs. Rukmani Devi, village Sandhir	..	"
6. Mrs. Burjat Kaur, 38-B, Coal Market, Nilokheri	..	"
7. Mrs. Vidya Vati, wife of Ch. Chanda Singh, M. L. A., Butana	..	"
8. Shrimati Shanti Devi, wife of Ch. Ranjit Singh, village Sultanpur	..	"

(Members of Panchayat Samiti)

9. Block Development Officer, Nilokheri	..	"
10. Shri Dhan Singh, village Bhaini Khurd	..	"
11. Shri Inder Singh, Chhoti Nilokheri	..	"
12. Shri Baljor, village and post office Kheri Man Singh (Karnal)	..	"

(Official Members)

13. Incharge Primary Health Centre, Nilokheri	..	"
14. District Education Officer, Karnal	..	"
15. Secretary, District Red Cross Society, Karnal	..	"
16. District Welfare Officer, Karnal	..	"

##### 2. Family and Child Welfare Project, Pundri

1. Shrimati Shanti Devi, care of S. D. O. (Civil)	..	Chairman
2. Shrimai Usha Doswal, M. A., care of S. D. M. (Civil), Kaithal	..	Vice-Chairman

## (Non-official Members)

3. Shrimati Kamla Gupta, M. A., Lecturer,, D. A. V. College .. Member  
 4. Shrimati Pushpa Kumari, wife of Shri Phool Chand. Development Officer, L. I. C. .. "  
 5. Shrimati Shashi Bhardwaj, M. A., care of Shri Behari Lal, Advocate, Kaithal .. "  
 6. Shri Tulsi Ram, B. A., Landlord .. "  
 7. Shrimati Vinod Kumari, F. A., care of Medical Officer, Pundri .. "  
 8. Shrimati Chand Madna, B. A. B. T., wife of Shri Krishan Madan, Master .. "  
 9. Mrs. V. K. Jain, M. A., care of Shri Jain, H. C. S. .. "

## (Members of Panchayat Samiti)

10. Block Development and Panchayat Officer, Pundri .. "  
 11. Shri Bhag Singh, Member Panchayat, Pundri (Rasina) .. "  
 12. Shri Thakur Dass, Pabnawa .. "  
 13. Shrimati Pushpa Devi, village Pharel (Karnal) .. "

## (Official Members)

14. Secretary, District Red Cross Society, Karnal .. "  
 15. S. D. M. (Civil), Kaithal .. "  
 16. Medical Officer, Primary Health Centre, Kaul .. "  
 17. D. P. R. O., Karnal .. "

## 3. Family and Child Welfare Project, Karnal

1. Shrimati Krishna Mehta, B. 2, Mal Road, Karnal .. Chairman  
 2. Shrimati Raj Rani, care of B. Harjobind, Sadar Bazar, Karnal .. Vice-Chairman  
 3. Dr. Mrs. Sher Singh, 475, Model Town, Karnal .. Member  
 4. Shrimati Harbhajan Kaur, Lady Panch, Indri .. "  
 5. Mrs. Sakuntla Devi, care of Chairman, Improvement Trust, Karnal .. "  
 6. Shrimati Kamni Kpur, Karnal .. "  
 7. Shrimati Ru'i Devi, village Baldi .. "  
 8. Shrimati Harbans Kaur, Village Budha Kheri .. "

## (Official Members)

9. District Education Officer, Karnal .. "  
 10. Doctor Incharge, Primary Health Centre, Indri .. "  
 11. Organizer, Small Scale Scheme, Karnal .. "  
 12. Welfare Officer, Karnal .. "

## (Members of Panchayat Samiti)

13. Shri Chaman Lal, Indri .. "  
 14. Block Development Officer .. "  
 15. Shri Dasonhi Ram, Indri .. "  
 16. Shri Hardaman Singh, Chairman, Panchayat Samiti, Karnal .. "

## 4. Family and Child Welfare Project, Fatehabad

1. Shrimati Krishna Bhargaw, Anand Bhawan, Hissar	..	Chairman
2. Shrimati Rajinder Mehta, Lady Doctor	..	Vice-Chairman
3. Shrimati K. Lal, wife of Chief Medical Officer	..	Member
4. Miss Veena Seth, Lady Doctor, Fatehabad	..	"
5. Shrimati Krishna Midha, Railway, Road, Hissar	..	"
6. Shrimati Chandravati, wife of Shri Shayama Ram	..	"
7. Shrimati Bakhtawari Devi, Lady Panch, Badopal	..	"
8. Ch. Amin Chand, Sarpanch, Dhani Majra	..	"
9. Ch. Mati Ram, Sarpanch, Bhadia Khera	..	"
10. Shrimati Haribai, Lady Panch, Dariyapur	..	"
11. Block Development Officer, Fatehabad	..	"

## (Official Members)

12. S. D. O. (Civil), Fatehabad	..	"
13. District Education Officer, Hissar	..	"
14. Incharge Primary Health Unit, Bhatoo Kalan	..	"
15. Assistant Secretary, Red Cross Society, Hissar	..	"
16. Lady Circle Supervisor, Hissar	..	"

2. The term of these Functional Committees will be for a period of two years viz. from 1st July, 1971 to 30th June, 1973. The travelling allowance and daily allowance to the members of the Functional Committees as and when they attend any meeting shall be paid by the Family and Child Welfare Project concerned out of the allotments made to it. The Government officials will draw T. A. and D. A. from their respective Departments.

3. The Functional Committees shall produce the accounts and other papers in respect of the grant received from State/Central Social Welfare Board for the Family and Child Welfare Projects to the Accountant-General, Haryana, for audit purposes.

Dated Chanligarh,

th: 8th November, 1971.

D. D. SHARMA,

Commissioner and Secy.

## LABOUR DEPARTMENT

The 15th November, 1971

No. 12565-4Lab-71/39437.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Spring and Stamping, Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 146 of 1970

*Between*

THE WORKMAN SHRI SAMPURAN NAND C/O BHARTIYA MAZDOOR SANGH, 2D/50, FARIDABAD,  
AND THE MANAGEMENT OF M/S SPRING AND STAMPING, FARIDABAD

Present—

Shri Onkar Parshad, for the workman.

Shri A.R. Handa and Shri V.D. Mukhija, for the management.

## AWARD

The management of M/s Spring and Stamping, Faridabad, terminated the service of their workman Shri Sampuran Nand and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,— *vide* Government Gazette notification No. ID/FD/359-A, dated 31st August, 1970:—

**Whether the termination of services of Shri Sampuran Nand was justified and in order? If not, to what relief is he entitled?**

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. A preliminary objection raised on behalf of the management was that this Court has no jurisdiction because no reference had been made to this Court by the Government of Haryana and that the reference is not valid because the workman did not raise any demand with the management which was refused. Accordingly the following two preliminary issues were framed:—

- (1) Whether this Court has no jurisdiction because no reference has been made to this Court by the Government of Haryana?
- (2) Whether the reference is not valid because the workman did not raise any demand with the management which was refused?

These objections were decided against the management,— *vide* the orders of this Court dated 25th March, 1971. On merits the position taken up by the management is that the workman absented himself from duty from 12th May, 1970 onwards. It is alleged that it was understood that he was sick from 12th May, 1970 to 19th May, 1970 but he did not file any sickness or fitness certificate from the E.S.I. and after 19th May, 1970, he did not even make any formal application for extension of leave and, therefore, he automatically lost his service in accordance with the provision of the Model Standing Orders. The case of the workman on the other hand is that he was actually ill from 12th May, 1970 to 19th May, 1970 and, thereafter his son fell seriously ill and he was unable to attend till 9th June, 1970. The pleadings of the parties gave rise to the following issues:—

- (1) Whether the workman was ill from 12th May, 1970 to 19th May, 1970?
- (2) Whether the son of the applicant seriously fell ill and for this reason the applicant was unable to attend till 8th June, 1970?
- (3) Whether the workman has lost his lien on appointment in terms of the Model Standing Orders?
- (4) Whether the workman reported on 9th June, 1970 and if so, what is its effect?

The case was fixed for 23rd April, 1971, for the evidence of the parties but it was adjourned to 29th May, 1971, at the request of the representative of the management, on the ground that his mother was ill. The case was adjourned to 5th May, 1971 and again adjourned to 29th June, 1971 at the joint request of the parties. On the date fixed for evidence nobody appeared on behalf of the workman. Only a telegram was received that he was ill. Accordingly the case was adjourned to 16th July, 1971. On the date fixed the workman was again not present. His representative Shri Onkar Parshad probably for the purpose of getting an adjournment made a request that he wanted to make an application that the onus of issues No. 1 and 2 had not been framed correctly and the onus be placed on the management. This request was not accepted on the ground that if the workman felt that the onus of issues No. 1 and 2 had not been placed correctly then an application could have been made at earlier stage. Secondly there were no sufficient grounds for shifting the onus. The representative of the workman then made his own statement and thereafter the evidence of the management was recorded. Some new documents were filed by the management during the course of evidence and in the interest of justice an adjournment was given to the workman to give his statement in rebuttal. On the adjourned date the workman appeared as his own witness and closed his evidence. I have carefully considered the evidence produced by the parties and my findings are as under:—

**Issue No. 1.**—It is proved by the E.S.I. slip marked Ex. W.2 that the applicant was needing medical treatment from 12th May, 1970 and that he was fit to resume duty from 20th May, 1970. I find this issue proved.

**Issue No. 2.**—There is no evidence of the workman to prove that his son was seriously ill and, therefore, the workman could not join duty after the expiry of his leave. A number of opportunities were given to him to produce his evidence but he did not even bother to attend the Court and his representative gave his own statement on behalf of the workman as if all the facts of the case were within his personal knowledge. The representative of the management on the date fixed for evidence produced two telegrams for leave which had been received from the workman by M/s Eastern Electronics (P) Ltd., and passed on to them after a long delay. Thus in the eye of law there is no evidence to prove the death of the cousin brother of the workman or the illness or death. I find this issue not proved for want of evidence.

**Issue No. 3.**—The case of the management is that they have no certified Standing Orders of their own and they are governed by the Model Standing Orders framed by the Government of Haryana and under sub-clause (4) of clause 16 a workman automatically loses lien on his post if he remains absent for more than 10 days without getting his leave sanctioned. The management removed the name of the applicant from the rolls on 9th August, 1970. The workman, therefore, lost his service in accordance with the provision of Model Standing Orders as the management had no intimation of illness or the subsequent death of his brother or the illness or death of his son.

**Issue No. 4.**—There is no evidence that the workman actually reported for duty on 9th June, 1970. It is stated that the representative of the workman affirmed this fact before the Conciliation Officer and this fact was not denied by the representative of the management and it should be deemed to have been admitted. I am afraid, it is not possible to rely upon such implied admission. The management in their written statement specifically took up a plea that the workman did not report for duty after 12th May, 1970 at all and his name was struck off on 9th August, 1970. The issues were framed on the pleadings of the parties and the workman did not have even the time to appear in Court and affirm that he did not report for duty on 9th June, 1970. Under these circumstances, I find this issue also not proved.

In view of my findings above I am of the opinion that the termination of the services of the workman was justified and in order and he is not entitled to any relief. I give my award accordingly. There will be no order as to costs.

P.N. THUKRAL,

Dated 28th October, 1971

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2142, dated Rohtak, the 4th November, 1971

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

The 22nd November, 1971

No. 12843-4Lab-71/39449.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Frick India Ltd., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 51 of 1971

*between*

SHRI MEHAR LAL WORKMAN AND THE MANAGEMENT OF M/S FRICK INDIA LTD.,  
FARIDABAD

*Present:*—Nemo, for the workman.

Shri B. R. Grover, for the management.

#### AWARD

The following industrial dispute was referred to this Court for adjudication,—*vide* Government Gazette notification No. ID/FD/324-C, dated 31st May, 1971 :—

Whether the termination of services of Shri Mehar Lal was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties for 23rd July, 1971. On the date fixed Shri Hari Narain Gora appeared on behalf of the workman but he did not file any claim statement. An adjournment was given to him for the purpose and the case was adjourned to 8th

September, 1971. On the date fixed Shri Grover appeared on behalf of the management but nobody appeared on behalf of the workman. The management also did not file the written statement and the case was adjourned to 25th October, 1971. The workman again did not appear on the date fixed. It appears that the workman is not interested in the further prosecution of this case and the reference fails for want of prosecution. It must be held that the termination of the services of the workman is not proved to be unjustified and he is not entitled to any relief. I give my award accordingly. No order as to costs.

Dated 5th November, 1971.

P. N. THUKRAL,

Presiding Officer,

Labour Court, Haryana,  
Rohtak.

No. 2185, dated Rohtak, the 11th November 1971.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,

Labour Court, Haryana,  
Rohtak.

No. 12848-4Lab-71/39451.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s. S. P. C. Company Faridabad.

BEFORE SHRI P. N. THUKRAL PRESIDING OFFICER, LABOUR COURT, HARYANA  
ROHTAK.

Reference No. 125 of 1971

*between*

SHRI HARI SHANKER WORKMAN AND THE MANAGEMENT OF M/S S. P. C.  
COMPANY FARIDABAD

*Present:*

Nemo, for the workman.

Nemo for the management.

#### AWARD

The following industrial dispute was referred to this court for adjudication, vide Government Gazette Notification No. ID/FD/564-A-71 dated 27th July, 1971:—

Whether the termination of services of Shri Hari Shanker was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the management filed a written statement in which it was pleaded that the workman Shri Hari Shanker was taken in service on 18th August, 1970 on purely temporary basis for the period of six months and on the expiry of this period his services were terminated. The statement of Shri H. L. Malhotra, Works Manager of the respondent concern was recorded. He started that the respondent company manufactured shoes which have to be sprayed and the applicant was appointed as temporary helper and his services were terminated because he was no longer required. Accordingly the following issue was framed:—

• Whether the applicant because surplus and his services were no longer needed?

The case was adjourned to 29th October, 1971 for evidence. On the date fixed neither party appeared although I waited for them till 10-40 a.m. Since the workman has also not led any evidence

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to prove that the termination of his services was not justified; I hold that he is not entitled to any relief. I give my award accordingly. No order as to costs.

P. N. THUKRAL

Dated 10th November, 1971.

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2189, dated 11th November, 1971

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

**No. 12846-4 Lab-71/39453.**—In pursuance of the provision section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/S. Ego Metal Works (P) Ltd, Gurgaon.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 46 of 1971

between

THE WORKMAN SHRI PRABH DAYAL C/o GENERAL SECRETARY, GURGAON ENGG.  
WORKERS UNION, H. No. 214, 4-MARLA COLONY, GURGAON AND THE MANAGEMENT OF  
M/S. EGO METAL WORKS (P) LTD, GURGAON.

Present :—

Shri Ayudhiya Parshad, for the workman.  
Shri Sohan Lal, Time keeper, for the management.

#### AWARD

The following dispute was referred to this Court for adjudication, vide Government Gazette Notification No. ID/GG/22-K-70/10584, dated the 13th April, 1971.

Whether the termination of services of Shri Prabh Dayal was justified and in order? If not ; to what relief is he entitled?.

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. The workman pleads that he was employed as a permanent workman and he was wrongfully retrenched in violation of the provision of section 25F of the Industrial Disputes Act.

The plea of the management is that the workman was employed as a semi-skilled operator class 'A' in machine shop on automatic machine but on account of shrinkage of work, the automatic machine were closed down and the workman became surplus and was retrenched with effect from 2nd December, 1969, after paying him all his dues including retrenchment compensation.

The only issue which arose from the pleading of the parties was precisely the same as in the order of reference. The case was, therefore, adjourned to 27th September, 1971 for the evidence of the parties. On the date fixed Shri Sohan Lal, Time-keeper of the respondent company appeared and requested for adjournment on the ground that their Labour Law Adviser Shri D. C. Chadha had to come from Delhi on Jeep which had broken down, it was not suggested that Shri Chadha had been stranded on road and for this reason he has not been able to come. Further no reason had been given at all for not bringing the necessary evidence to prove that the applicant had become surplus and that he was retrenched after paying him all his dues.

After the case had been closed, an application on behalf of the management was received for re-opening the case on the ground that Shri Chadha was held up at Delhi on account of unavoidable reasons detailed therein. But no reason has been given as to why the management had not brought the necessary evidence which was available locally and was not to be brought from Delhi. I, therefore, hold that there is no sufficient ground for reopening the case since the management has not led any evidence to prove that the retrenchment of the workman was in accordance with law, he is entitled to be re-instated with continuity of service.

As regards back wages the workman has also not appeared in evidence to prove that he has remained unemployed after the termination of his service in the respondent concern. He is thus not entitled to back wages. I give my award accordingly. There will be no order as to costs.

Dated 5th November, 1971

P. N. THUKRAL,

Presiding Officer  
Labour Court, Haryana, Rohtak.

No. 2188, dated Rohtak, the 11th November 1971

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

(Sd) . . .

P. N. THUKRAL,  
Presding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 12847-4Lab-71'39455.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana Rohtak in respect of the dispute between the workman and the management of M/S. Dela Mechanical Works, Ballabgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA ROHTAK

Reference No. 54 of 1971

*between*

THE WORKMAN SHRI HARI RAM AND THE MANAGEMENT OF M/S DELA  
MECHANICAL WORKS, BALLABGARH.

Present :

Shri Bhim Singh, authorised representative with Shri Hari Ram workman.

Name for the management.

#### AWARD

The following industrial dispute was referred to this Court for adjudication,—*vide* Govt. Gazette Notification No. ID/FD/631-A dated 31st May, 1971:—

“Whether the termination of services of Shri Hari Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties for 20th July, 1971. The registered notice issued to the respondent was received back with an endorsement of the post office that the respondent had refused to accept the notice. Fresh notice was issued for 7th September, 1971, and this time service of the respondent was effected but nobody appeared on their behalf. The workman was, therefore, directed to produce his evidence. The workman has appeared as his own witness in support of his case and has stated that he joined the respondent concern as a Turner in June, 1970 at Rs. 90/- P. M. and his services were terminated on 17th September 1970 without giving him any show cause notice or any opportunity to explain. He says that even his earned wages up to 17th September, 1970 were not paid to him. He has further stated that he has not been able to get any other employment. It this satisfactorily established by the evidence of the workman that the termination of his services was not justified and he is entitled to be re-instated with continuity of service and full back wages. I give my award accordingly. No order as to costs.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Dated 20th November, 1971.

No. 2190, dated Rohtak the 11th November, 1971

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

**No. 12886-4Lab-71/39457.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/S Raj Potteries works, Gurgaon.

BEFORE SHRI O.P. SHARMA PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 84 of 1969

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S RAJ POTTERIES WORKS, GURGAON

*Present* .

Shri Sardha Nand, for the workmen.

Shri D.N. Tailong, for the management.

#### AWARD

Some industrial disputes existing between the management of M/s Raj Potteries Works, Gurgaon and their workmen were referred for adjudication to this Tribunal by the Governor of Haryana in exercise of powers conferred under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/GG/7-H-69/34044-48, dated 12th December, 1969 with the following terms of reference—

1. Whether Gratuity Scheme should be introduced in the factory? If so, with what details and from which date?
2. Whether the workmen are entitled to Production bonus? If so, with what details?
3. Whether grades and Scales of pay of the workers should be introduced? If so, with what details and from which date?

On receipt of the reference usual notices were given to the parties and they put in their respective written statements. The management opposed the above demands of the workmen mainly on the ground that the same were not justified by its financial position and stability. The only issues that arose for determination in the case were as per the terms of reference given above. The workmen have examined five witnesses in all including Sarvshri Samru Ram Sewak, Ram Pat, Ajudhia Parshad, President and Sardha Nand, General Secretary of Gurgaon Factory Workers Union without producing any documentary evidence.

The management, on the other hand, has placed reliance upon the testimony of their Occupier and Partner Shri Devi Charan M.W.1, Shri K.C. Chopra Manager M.W.2, Shri B.L. Senne Time keeper in Central Clerk M.W.3, and Shri V.K. Gautam Accountant M.W.4. The documentary evidence produced by the management consists of—

1. Copy of settlement dated 27th May, 1969 under section 12 (3) of the Industrial Disputes Act, 1947 .. Ex. M.W.2/1
2. Copy of chart of wages and salaries for the period from July, 1965 to June, 1966 .. Ex. M.W.3/1
3. Copy of chart of wages and salaries from July 1966 to June, 1967 .. Ex. M.W.3/2
4. Copy of chart of wages and salaries from July, 1967 to June, 1968 .. Ex.M.W.3/3
5. Copy of chart of wages and salaries from July, 1968 to 1969 .. Ex.M.W.3/4
6. Copy of chart of wages and salaries from July 1969 to June, 1970 .. Ex.M.W.3/5

7. Copy of statement of manufacturing and trading and profit and loss account as on 30th June, 1961 .. Ex. M.W.4.1
8. Copy of manufacturing accounts ending 30th June, 1962 and trading account .. Ex.M.W.4/2
9. Copy of profit and loss accounts as on 30th June, 1962 .. Ex.M.W.4/3
10. Copy of manufacturing account, trading account profit and loss account as on 30th June, 1963 .. Ex.M.W.4.4
11. Copy of profit and loss account manufacturing account and trading account as on 30th June, 1964 .. Ex. M.W.4.5
12. Copy of manufacturing account, trading account and profit and loss account as on 30th June, 1965 .. Ex.M.W.4.6
13. Copy of statement of manufacturing account, trading account and profit and loss account as on 30th June, 1966 .. Ex. M.W.4/7
14. Copy of statement of manufacturing account, trading accounts and profit and loss account as on 30th June, 1967 .. Ex. M.W.4.8
15. Copy of manufacturing account/trading accounts and Profit and loss account as on 30th June, 1969 .. Ex. M.W.4/9
16. Copy of manufacturing account, trading account, balance sheet as on 30th June, 1968 Ex.M.W.4/10
17. Statement showing the capacity of the concern .. Ex.M.W.4.11
18. Extract on the working of past seven years selling rates .. Ex. M.W.4/12

Arguments have been addressed on both sides at sufficient length. Written arguments have also been filed. I have given my best consideration to the facts on record and the contentions raised by the learned representatives of the parties.

A preliminary objection has been raised on behalf of the management that the demands, the subject matter of the present reference, were not first raised on the management before taking up the matter to the Conciliation Conciliation Officer and as such no industrial dispute existed between the parties which could legally be referred for adjudication to this Tribunal in view of the rule of law laid down by Hon'ble the Supreme Court in Sindhu Resettlement Corporation case. The objection is, however, not tenable for the simple and obvious reason that no such plea was raised in the written statement filed in the case, this being after all a question of fact which cannot be gone into in the absence of specific plea on the point.

The issues on merits which are more or less co-related can safely be taken up together. It is an established law that before an industrial establishment can be burdened with extra expenditure to meet the demands of the workmen of the nature involved in the instant case. Its present financial capacity and future stability to meet the burden have to be taken into consideration. There is abundant authority in support of this proposition of law urged on behalf of the management and nothing to the contrary has been shown by the learned representative of the workmen.

Now, that being the position of law it has to be seen how far the workmen have succeeded in establishing their case to support their above demands. They have relied mainly upon the oral and vague testimony of 4 or 5 witnesses including the President and the General Secretary of their union without bringing on record any documentary evidence. The management, on the other hand, has produced detailed documentary evidence including the balance sheets and profit and loss account statements and other documents pertaining to the accounts of the concern. The Occupier and Partner Shri Devi Charan M.W.I has made a lengthy statement giving the correct position of this industrial unit from its very start in 1961 which finds further support in the statements of the other officials of the management referred to above. From a careful scrutiny of this entire evidence, documentary as well as oral, of which there is no reasonable rebuttal by the workmen, I am quite clear in my mind that the financial position of this establishment which started only about 10 years back has been far from being sound and it is not in a position to bear the additional expenditure resulting from the proposed introduction of pay scales, gratuity and production bonus schemes. The absence of any reserve and provision for fair capital return for the development of the industry as pleaded in the written statement and borne out from the documents on record is an important matter to be taken into consideration. The workmen are already getting their full wages as prescribed by the Minimum Wages Act and the bonus permissible under the payment of Bonus Act, 1965. Under a settlement under section 12 (3) of the Industrial Disputes Act, 1947, entered into with the workmen on 27th May, 1969, the work-load of the workmen had been fixed at 25 percent less than their capacity and as a result of this concession given to the workmen the production had considerably decreased. It would not be out of place to

consider here that in the year 1967-68 the management had earned a net profit of Rs. 5,847 only which had been offset by payment of Rs 5,500 by way of bonus and Rs 1,872 as *ex gratia* payments to the workmen as already observed. The workmen have led no evidence to show that the financial position of this establishment had in any way improved thereafter.

For the reason aforesaid, the demands of the workmen, the subject-matter of the present reference, are not well founded. The issues are decided against them and the award is made accordingly. In the circumstances there shall be no order as to costs.

O.P. SHARMA,

Dated 15th November, 1971.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1342 dated the 15th November, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,

Dated 15th November, 1971.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

**No. 12845-4Lab-71/39619.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Co-operative Sugar Mills, Ltd., Rohtak.

**BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK**

**Reference No. 167 of 1970**

*between*

**THE WORKMAN SHRI KUNDAN LAL C/o SHRI S.N. VATS, BHIWANI STAND, ROHTAK  
AND THE MANAGEMENT OF M/s HARYANA COOP. SUGAR MILLS, LTD., ROHTAK.**

*Present:*—Shri S.N. Vats, for the workman.

Shri P.S. Malik and Shri Zila Singh, for the management.

**AWARD**

83 bags of sugar worth about Rs. 30,000 are said to have been stolen from the Godown No. 2 of the Haryana Coop. Sugar Mills in the night between 23rd and 24th September, 1968. An enquiry was held and the services of all the persons including Shri Kundan Lal, Shift Jamadar who were on watch and ward duty on the night between 23rd and 24th September, 1968 were terminated. Shri Kundan Lal is aggrieved by reason of the termination of his services and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication *vide* Government Gazette Notification No. ID/RK/83-F/69, dated 23rd September, 1970 :—

**"Whether the termination of services of Shri Kundan Lal Jamadar was justified and in order ? If not ; to what relief is he entitled ?**

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of workman and the management filed their written statement. The case of the workman is that he had a record of 30 years of unblemished service and the termination of his services was not justified because he was not in any manner responsible for the theft or negligence in the performance of his duties. The enquiry held against him is said to be vitiated because he was not given any opportunity to cross examine the witnesses.

The plea of the management is that a proper enquiry was held and it was found that all the members of the watch and ward including the applicant who were on duty on the night between the 23rd and 24th September, 1968 were guilty of utter negligence in the discharge of their duties. It is pleaded that the applicant never made the

rounds and even withdrew Shri Suraj Mal from patrol duty from godown No. 2 and, therefore, he has been rightly held guilty.

The only issue which arose from the pleadings of the parties was precisely the same as in the order of reference. The parties were given an opportunity to produce evidence in support of their respective contentions. The management examined Shri P.S. Malik, Factory Manager who held the enquiry. The perusal of the record of the enquiry showed that no witness were examined in the presence of the applicant. It was, therefore, held that the dismissal of the applicant could not be upheld on the basis of the domestic enquiry. An opportunity was then given to the management to produce evidence on merits. The management examined Shri Zila Singh, Personnel Officer and Shri Karan Singh, Sales Manager. The applicant examined Shri Bhai Ram, Ex-Jamadar and himself appeared as witness. During the course of his evidence the applicant took up a plea for the first time that as Shift Jamadar it was not even his duty to make the rounds and in fact his duty was on telephone and the treasury only and there is a separate watchman whose duty it is to make the rounds. The workman had never taken up this position either in reply to the charge sheet or in the statement of claim filed in this Court. Thus the management had no opportunity to prove what exactly were the duties of a Shift Jamadar. The learned representative of the workmen submitted that the burden of proving the guilt of the applicant lay on the management and it was for them to prove all the necessary facts in order to bring home his guilt and it was not for him to disclose his defence or to guide them what they should or should not prove. In my opinion, the position taken up by the representative of the applicant is not correct. The management in their written statement had taken up a specific plea that the applicant did not make the rounds and in case it was not a part of the duty of the applicant to make the round, he should have said so. Since lawyers are not permitted to appear in this Court and the representative of the applicant on account of a misunderstanding of the procedure did not make proper pleadings, an opportunity was given to the management to prove the duties of the Shift Jamadar so that justice could be done. Since the duty of the watch and ward personnel are not reduced into writing the management produced Shri Surjan Singh, M.W. 3 who is a Shift Jamadar to prove what exactly are the duties of a Shift Jamadar and the workman examined Shri Bhai Ram again to prove that the duty of a Shift Jamadar is not to make the rounds but to remain on telephone. The workman also appeared as a witness again. After the conclusion of the evidence, arguments of the representative of the parties were heard.

I have gone through the evidence produced by the parties and have carefully considered their submissions. The plea of the learned representative of the workman is that in the order dated 3rd October, 1968 by which the applicant along with the other watchman named therein were placed under suspension, it is only alleged that "they were suspected of gross negligence in their duties or connivance in the affair" and Shri P.S. Malik, Factory Manager, was appointed to hold the enquiry. It is submitted that the plea now taken up in the written statement is that the petitioner was guilty of negligence because he did not make the rounds and even withdrew Shri Suraj Mal from patrol duty from godown No. 1 and 2. It is submitted that since these allegations did not find any place in the charge sheet the dismissal of the applicant can not be upheld on these grounds. It is also submitted that the management have not been able to establish that it was the part of the duty of the applicant to make rounds and since it is not proved that he did not perform his duties properly he could not be held guilty of negligence. Lastly it is submitted that even the so-called theft of 83 bags of sugar is not satisfactorily established and, therefore, the case must fail. The only ground on which this plea has been taken is that no witness from the State Bank who is said to have been specially called at the time of checking has been produced and there was no actual counting of the sugar bags on the morning of 24th September, 1968. It is submitted that the witness for the management admit that the counting of the bags took hardly 5 or 7 minutes although there were 45 thousand bags of sugar in godowns No. 1 and 2. It is submitted that such a large number of bags could not be counted in such a short time and the charge of theft has been trumped up simply with a view to save some high ups who might be responsible for removal of the bags from time to time and when the shortage became too apparent and could no longer be hidden, the personnel of the watch and ward were made the scape goat. So far as the applicant is concerned it is submitted that even the management admit that a special watchman is posted whose duty is to make the rounds and so the dismissal of the applicant for not making the rounds could not be justified on any ground whatsoever.

I have carefully considered the submissions of the learned representative of the workman and in my opinion there is no force in any of his submission. It is true that if the case rested on the domestic enquiry alone then it could not be said that the dismissal of the applicant was justified. But as already pointed out above, the enquiry held by the management has not been held to be proper and they have been given an opportunity to prove that the termination of the services of the applicant was justified and he is not entitled to any relief. The management in their written statement have supported the dismissal of the applicant on the ground that the applicant was on duty in the night between 23rd and 24th September, 1968. He was Shift Jamadar that is he was head of watch and ward during his shift. It is said that he failed to perform his duties properly in as much as he failed to make any rounds in order to see that the other watchman were performing their duties. The fact that the applicant did not make any rounds is even admitted by the applicant himself. His plea is that it was not a part of his duty to make the rounds and his duty was to simply guard the treasury and to attend the telephone.

The learned representative of the workman however, forgets that the applicant was a member of the watch and ward whose primary duty is to guard the mill premises and when a number of persons are put on guard duty then in a way their responsibility is joint and several and if any mishap takes place during their duty hours then they alone can explain how it all happened. In the present case we find that no explanation whatsoever is forthcoming

from any member of the watch and ward who were on duty on the night between 23rd and 24th September, 1968 as to how the theft of 83 bags of sugar took place. It is not possible to lose sight of the fact that the designation of the applicant was Shift Jamadar that is to say he was incharge of the watch and ward personnel during his shift and in my opinion the applicant can not escape his responsibility simply on the ground that there was a special watchman in whose duty it was to make rounds. It is not possible to accept the contention of the applicant that his duty was simply to remain at the treasury and attend to the telephone and it was not his duty to see whether the other personnel of the watch and ward who were on duty in his shift were actually performing their duties. The very name "Shift Jamadar" implies that he was incharge of the watch and ward during his shift and from the evidence of the applicant it is clear that he did not take the least trouble to see whether the other watchmen put on duty during his shift were actually performing their duty or not so much so that the applicant was even blissfully unaware of the fact that theft of as many as 83 bags of sugar had been taken place. It is true that there is no evidence to prove that the theft took place during the period the applicant was on duty but as already pointed out it is in evidence that the theft took place on the night between 23rd and 24th September, 1968 and the applicant was on duty from 2.00 A.M. to 8.00 A.M. It, therefore, clearly means that if the theft had already taken place before the applicant took over the charge then he was guilty of negligence because at the time of taking over charge he certified that nothing was a miss. If the theft took place during the period the applicant was on duty then his responsibility is obvious because as Shift Jamadar he was in overall charge and he can escape his responsibility only if he gives proper explanation which would absolve him from responsibility.

There is also no force in the submission of the leaned representative of the workman that even the alleged theft on the night between 23rd and 24th September, 1968 is not proved simply because no witness of the State Bank who was called at the time of the checking has been produced and the evidence with regard to the actually checking by the mill authorities was very superficial. A regular report was made to the Police as soon as an opening in the wall of the Godown No. 2 was noticed on the morning of 24th September, 1968 and 83 bags of sugar were found short. There is no allegation that the police found that a false report had been made to them with regard to the alleged theft. An adjournment was obtained to summon the official of the State Bank but he was not available and then the management felt that their own evidence with regard to the shortage of 83 bags of sugar was sufficient for the purposes of the case. It is true that the authorities did not count each and every bag separately for the purpose of determining the less but from this fact alone it cannot be said that the checking by the authorities was superficial. Shri Karan Singh, M.W. 2, Sales Manager has stated during the course of cross-examination that the dimensions of godown No. 1 and 2 are 200 ft. by 60 ft. each and about 45 thousand bags can be stored in each godown. Shri Karan Singh has explained that bags of sugar are never counted separately only the length breadth and the height of the area in which the bags are stocked is measured and the number of bags is then calculated. Since the sugar bags are of uniform size it can not be said that this method of calculating the number of bags is not accurate.

In my opinion, it is satisfactorily established that a theft as alleged by the management did took place on the night between 23rd and 24th September, 1968 and the whole of the watch and ward staff which was on duty on that night were rightly held to be negligent in the performance of their duties because none of them has even bothered to explain how the theft could have taken place without any one of them coming to know of it. The termination of their services including that of the applicant was justified. The watch and ward personnel have no other duty to perform except to protect the property of the mills and they have failed to discharge their primary duty. There is not point in keeping the watch and ward establishment) if they cannot be held responsible for protecting the property of the mills I am therefore of the opinion that the termination of the services of the applicant was justified and in order and he is not entitled to any relief. I give my award accordingly. There will be no order as to costs,

P.N. THUKRAL,

Dated the 5th November, 1971.

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 218, dated Rohtak, the 11th November, 1971

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 12844-4 Lab-71/39621.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Frick India Ltd, Faridabad.

BEFORE SHRI P. N. THUKRAL PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 92 of 1971

*between*

THE WORKMAN SHRI GANGA RAM AND THE MANAGEMENT OF M/S FRICK  
INDIA LTD, FARIDABAD

*Present :*

Shri Darshan Singh, for the workman.

Shri B. R. Grover, for the management.

AWARD

The following industrial dispute was referred to this Court for adjudication.—*vide* Government Gazette Notification No. ID/FD/324-B dated 25th June, 1971:—

Whether the termination of services of Shri Ganga Ram was justified and in order ? If not ; to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties. On 29th October, 1971, the representative of the workman made a statement that the workman has settled his dispute with the management and he does not claim re-instatement. In view of the statement made on behalf of the workman, I hold that the termination of the workman is not proved to be unjustified. I give my award accordingly. No order as to costs.

Dated 10th November, 1971.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2186, dated Rohtak the 11th November, 1971.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana.  
Rohtak.

B. L. AHUJA,  
Commissioner for Labour and Employment, and Secy.

REVENUE DEPARTMENT  
War Jagir

The 8th December, 1970

No. 5041-R(III)-70/29505.—In exercise of the powers conferred by sections 2 and 3 of the East Punjab War Awards Act, 1948, as amended to date and all other powers enabling him in this behalf, the Governor of Haryana is pleased to enhance with effect from Kharif, 1970, the annual value of war jagir grants already sanctioned in favour of the grantees whose children rendered service during the Emergency declared by the President of India on 26th October, 1962, at the rate shown in the Schedule below subject to such conditions as to the enjoyment of these grants as are contained in the respective Sanads of the Jagirs granted to them:—

No. of children served during Emergency	Rate of annual value of the grant already sanctioned	Enhanced rate of annual value of the grant with effect from Kharif, 1970.
(i) Only son or only two sons or three children	Rs. 100	Rs. 150
(ii) For every additional child more than three children	Rs. 40	Rs. 50

(Sd.) . . . . , Dy Secy.